



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/721,402	11/22/2000	Glenn F. Evans	MSI-688US	2724
22801	7590	08/23/2007		
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			EXAMINER BOCCIO, VINCENT F	
			ART UNIT	PAPER NUMBER
			2165	
			MAIL DATE	DELIVERY MODE
			08/23/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/721,402

Applicant(s)

EVANS ET AL.

Examiner

Vincent F. Boccio

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on RCE, Amend & Resp of 7/30/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 7/30/07.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 2165

**DETAILED ACTION**

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2165.

**Response to Arguments**

1. Applicant's arguments filed 7/30/07 against amended claims have been fully considered but they are not persuasive.

(A) In re pages 7-12 in summary, applicant substantially argues the added limitation as amended into claims 1-, further adding the limitation,

o ***"such that the multimedia player application is able to track the event identifier to the requested command output by the player application facilitating multiple instance tracking."***

In response the issue here is directly related to the command status teachings of Hurtado.

The event ID is met by Hubbell's, book-marking, which, identifies particular frames of the video displayed by creating marks with respect to video or marking frames of the video. Mark generation is based on commands with respect to Hubbell.

Status of the requested commands, is taught by Hurtado and the limitation is deemed obvious in view of, Hurtado, col. 52, which tracks commands and generates statuses, associated with the commands, such as:

- "successful completion", (one status of a command);
- "un-successful completion", or Failure (another status of a command), represents one status; and
- "an INTERIM STATUS OF A PROCESS", or interim status of a command or a second status or "multiple instance tracking of status, based on a command, which is associated with generating, "the Event Identifier";
- col. 53, "jobs ... in the queue".

Therefore, as understood by the examiner, the newly recited limitations read of multiple instance tracking and facilitating tracking of multiple request commands, met by the system can generating two statuses for each command, first the system can generate, "the interim status", based on a command (because it

Art Unit: 2165

is interim status) and the final status is generated successful or unsuccessful, alternatively reads on multiple jobs in a queue, therefore, meeting the limitation of generating, "MULTIPLE INSTANCE TRACKING", based on a command, associated with the event identifier, when successful generates the EVENT Identifier.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

**Claim Rejections - 35 USC § 103**

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1, 3-5, 7-8 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hubbell et al. (US 5,966,121) in view of Hurtado et al. (US 6,611,812).

Art Unit: 2165

Regarding claim 1 Hubbell discloses and meets the limitations associated an apparatus comprising:

- a memory (Fig. 4 a PC with RAM, also see Fig. 9, "buffers and 301-303", col. 17, line 29-, col. 19, line 1-, col. 24-, line 33-)
- medium (Fig. 4 a, 140, "mass storage device")
- a multimedia navigator program (Fig. 4 c, Fig. 4 B, 152, of the PC & system Fig. 4 a, 130, Figs. 5-8, Fig. 16-17, col. 4, lines 30- & col. 16, line 20- etc....., represents navigation software part of the software package);
- a control and information application programming interface or APIs (as analyzed above & col. 28, line 42-, API, also col. 27, line 4-, col. 26, line 20-52), wherein the control and information APIs being configured to respond to flags that are selectively determined it at least one operation will be conducted,
- the operation being selected from a group of operations that include;
  - o a player navigation synchronization operation (playback operations table 3, col. 3, line 11-, Fig. 4 b, 152, "playback controls", Fig. 8, PLAY/STOP, Fig. 9, audio and Video),
  - o a selective interactive operation (col. 14, table 4, "CLICKABLE 1= YES 0 = NO", for example etc...) and
  - o a read/write register operation (see marks & other flags, col. 14, tables 3-4), the player-navigator synchronization performs synchronizing steps that cause a multimedia player application to output a request command (play, stop and many others commands for playback, synchronization and related to navigation, thru the multimedia audio and video material) to the navigator program and a multimedia content navigator to subsequently return attributes such as, event IDs and status results to the player application upon, commencement, completion or cancellation of the requested command (marks are generated upon play and stop, cols. 13-14).

Art Unit: 2165

Further see editing software, col. 2, line 65 to col. 3, line 36 & col. 4, lines 33 to col. 6 and col. 26, col. 28, lines 35-55) to output a request command to the navigator program (Fig. 16) causing the navigator program to subsequently return an event identifier and status result to the player application upon commencement, completion or cancellation (Fig. 4 B, col. 13-14) of the requested command (Fig. 17, Fig. 1 and Fig. 4 C), wherein the request command and the event ID (user interaction with API GUI interface) are both communicated via at least one API (Figs. 5, 6, 7, 8, GUI API, met by play/stop navigator button/controls, also other controls, such as pause and other, col. 13 for example operatively associated with the navigator program (such as Fig. 16, playing and navigating the multimedia data on the hard disk, play and other commands, control), further the limitation of responding to at least a flag, selectively set by the player application to ID that the event will be returned upon completion of a command (col. 12, lines 34-48 and/or Fig. 17, and/or cols. 13-14, especially Table 4, cols. 15-18, many flags are set by the software and user which determines various functionality with respect to user interactions and functions and controls) and "the navigator generates an object that can be used to track", met by playback of the multimedia data by tracking the video (controls Fig. 4 b and system Fig. 9, "301 frame counter", even Fig. 10, Fig. 11, such as playback "step 436" and tracking steps 420-450, tracking) and further meets the limitation of COM objects (met by various reusable software modules, for example see areas col. 26, lines 44 to col. 31, especially col. 27, "OLE", etc.....), thereby track and identify command processes and current status, also see Fig. 25, CRecTracker, col. 12, lines 34-47 and a flag set at the start of the requested command (play generates a mark, Figs. 16-17, col. 10, table 1).

Regarding claim 1 as amend, **Hubbell et al. is deemed to and therefore, fails to disclose:**

O an event ID notifying the player when the requested command (based on a JOB request) when the requested command is completed and a status result of succeeded or failed command corresponding to a JOB request, **such that the multimedia player application is able to track the event identifier to the requested command output by the player application facilitating multiple instance tracking.**

Art Unit: 2165

Hurtado teaches at col. 52, lines 40-, having APIs which process tools called to or handling processing calls or requested commands to:

- retrieve the next job process (each are identified by some sort of Unit);
- indicate **successful** completion of a process (succeeded **status of the jobs**);
- indicate **unsuccessful** completion or {failed **status of the jobs**}; and
- interim status (during, while doing the jobs); and
- jobs in a queue, col. 53.

Therefore, it would have been obvious to those skilled in the art at the time of the invention to modify Hubbell by incorporating status results including status of successful completion or failed status, even interim and having multiple jobs in a queue, as taught by Hurtado, in order to manage processing flow of player operations of Hubbell.

Claims 3-5 and 7-8, 12-14 are analyzed and discussed with respect to the claims above.

3. Claims 6 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hubbell et al. (US 5,966,121) in view of Kim et al. (US 5,933,394).

Regarding claims 6 and 9-10, Hubbell discloses multimedia medium, such as a hard drive (col. 11, but, fails to wherein the multimedia information includes a DVD formatted content, having precise playback information.

Kim teaches, a DVD (Figs. 1-2, systems with disk, a DVD, col. 1), having DVD formatted content (Fig. 3) and a navigator 204, which enables extraction of cell information (col. 4) and precise playback information as all formatted DVD content comprises (Fig. 3) and provides information for the beginning and end VTS and cell position information, as taught by Kim.

Kim discloses Titles (cols. 2), fails to particularly mention start and end times associated with the titles.

The examiner takes official notice that Titles having precise playback information, such as beginning and end time information for multimedia data, such as video-audio, is well management information, used a table of contents and to keep track of what is recorded for playback and identifying lengths, the management information useful in playback and editing, as is well known.

Art Unit: 2165

Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify Hubbell by incorporating a DVD with DVD formatted content, with precise playback management information such as start and end time, and player apparatus to the computer system, thereby allowing for marking of multimedia from a DVD formatted content, as DVD formatted content is becoming a predominant standard in the world, as taught by Kim and also to utilize precise playback information such as start and end times to ID what is recorded and used on playback as well as other advantages as stated above, as is obvious to those skilled in the art.

**Contact Information**

Any inquiry concerning this communication or earlier communications should be directed to the examiner of record Vincent F. Boccio whose telephone number is (571) 272-7373.

The examiner can normally be reached on between Monday thru Friday between (7:30 am to 5:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272-4146.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

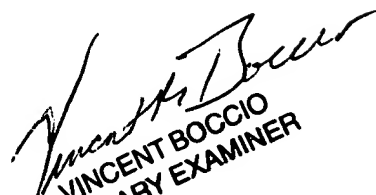
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Primary Examiner, Boccio, Vincent  
8/4/07

  
VINCENT BOCCIO  
PRIMARY EXAMINER